



EXPEDITED PROCEDURE - EXAMINING GROUP 2812

S/N 09/483881

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kie Y. Ahn et al.

Examiner: Ha T. Nguyen

Serial No.: 09/483881

Group Art Unit: 2812

Filed: January 18, 2000

Docket No.: 303.672US1

Title: SELECTIVE ELECTROLESS-PLATED COPPER METALLIZATION

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116

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Commissioner for Patents

Washington, D.C. 20231

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REMARKS

In response to the Final Office Action mailed November 26, 2002, no claims are amended, canceled, or added; as a result, claims 1-42 and 65 remain pending in this application.

All arguments from the prior response are hereby incorporated by reference to preserve all issues for appeal.

§103 Rejection of the Claims

Claims 1-12 and 65 were rejected under 35 USC § 103(a) as being unpatentable over Tan et al. (U.S. Patent No. 6,372,622) in view of Bernier et al. ("Laser Processing of Palladium..."). Applicant traverses.

Applicant does not admit that the Tan patent is prior art to the present invention and reserves the right to swear behind this patent at a later date. Nevertheless, Applicant also submits that the present invention is distinguishable over the Tan patent in view of Bernier.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d (BNA) 1596, 1598 (Fed. Cir. 1988). In combining prior art references to construct a *prima facie* case, the Examiner must show some objective teaching in the prior art or some knowledge generally available to one of ordinary skill in the art that would lead an individual to combine the relevant teaching of the references. *Id.* The M.P.E.P. contains explicit direction to the Examiner that agrees with the *In re Fine* court:

To establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the